

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

REMARKS

Claims 1-17 are pending. Claims 5, 7, 11, 13 and 14 are cancelled and claims 18 and 19 are added herein. Accordingly, claims 1-4, 6, 8-10, 12, and 15-19 are at issue.

The drawings stand objected to as failing to comply with 37 C.F.R. §1.84(p)(4). This objection is traversed. Reference numbers "22d" and "24a" both designate a snap fastener as noted in the Action. However, the snap fastener 22d is associated with the guide rod cover 22 as described in paragraph [0038] while the snap fasteners 24a are associated with the upper cover 24 as described in paragraph [0041]. With respect to references numbers "20a" and "20b" these are different parts as described in paragraph [0034] with reference number 20a designating a blind rivet and reference number 20b designating a bolt.

The drawings stand objected to under 37 C.F.R. §1.83(a). The removal mechanism (e.g. wipers or a heating mechanism) is now shown in the corrected drawing of FIG. 13 included herewith. The specification fully supports these features in paragraphs [0011] through [0013], [0059] and [0060], such that it is believed, the correction to FIG. 13 adds no new matter. With respect to the joint line between the pillars and the windshield, it is shown in FIGS. 4, 7 and 9-13.

The drawings stand objected to because the drawings contain text. Included herewith are corrected drawings sheets in compliance with 37 C.F.R. §1.121(d) to remove the text from the Figures.

Claims 3 and 9 are objected to for the use of the term "elongate member." Claims 3 and 9 are amended as suggested in the Action.

Claim 11 is objected to for the use of the term "elongate covers." Claim 11 is cancelled herein, however, the objected to term now appears in amended claim 9 and it is corrected as suggested in the Action.

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

Turning to the claims, initially the indication of allowable subject matter in claim 17 is noted with appreciation. Claim 17 is rewritten in independent form to include the limitations of intervening claim 16 and its base claim 9, so that claim 17 should now be in condition for allowance. In this regard, it should be noted the "means" limitations recited in allowed claim 17 are amended to recite the term "mechanism" instead, which should not impact on the allowability of claim 17 since these features are not disclosed or suggested by the cited art.

Claim 15 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. It is asserted that the specifications and drawings do not aid in being able to determine what is meant by the recited subject matter of dependent claim 15. Amended claim 15 calls for the covers being configured to be secured to the vehicle to span a joint line formed between the pillars and windshield. It is asserted that the joint line is not discussed in the specification. However, paragraphs [0036] and [0057] of the specification clearly discuss that the base section of each of the illustrated covers is mounted to the vehicle so that it covers the joint line to function as weather strip, and FIGS. 4 and 10-12 show the disclosed joint line with the base sections in covering relation thereto, so that the base sections and more generally the covers span the respective joint lines as shown and recited in claim 15.

Claims 1-5, 8, 9, 11 and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by Miodek (DE 20119579). Claims 6, 7, 10, 12, and 13 stand rejected under 35 U.S.C. §103(a) as unpatentable over Miodek in view of Kalandek, et al. (US 2003/0080541).

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 1 is directed to an airbag device including an airbag for being inflated in a predetermined direction upon deployment, and a guide that cooperates

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

with the airbag causing the airbag to deploy in the predetermined direction as the airbag is inflated. As amended, claim 1 calls for a cover for the guide and a follower of the airbag that rides along the guide during airbag inflation. Amended claim 1 further requires a frangible portion of the cover that is ruptured upon airbag deployment. None of the relied upon art either alone or in combination discloses or suggests a frangible portion of a cover for a guide, as recited in amended claim 1.

In particular, Miodek discloses a guide apparatus 13, which receives a sliding ball 15, connected to the airbag by cable 17. As shown, the guide apparatus 13 is uncovered. In the translation, Miodek state that rather than have a cover, the guide apparatus can be oriented relative to A-column 5 so that the provision of a cover for the guide apparatus is not necessary. As is apparent, Miodek teach very little with respect to the recited cover for the guide and in particular teach nothing with respect to the frangible portion of the cover required by amended claim 1. Instead, Miodek preferably would do away with the cover entirely, and thus does not consider the provision of a frangible portion thereof, as required by claim 1.

Kalandek, et al. is relied upon in the Action as disclosing a frangible portion that the follower ruptures during airbag inflation in paragraph [0020] at lines 8-12 thereof. However, Kalandek, et al. only disclose that airbag and the guide rods 72 may be hidden from view by automotive trim in the last sentence of paragraph [0018]. In paragraph [0020] referenced in the Action, Kalandek, et al. only state that the airbag breaks through its non-illustrated protective housing as it is inflated to move downwardly with the anchor 52 sliding down the rod 72. The disclosure of an airbag housing that breaks open upon airbag deployment is not the same as a teaching or suggestion of a frangible portion of a cover for a guide, as required in amended claim 1. Accordingly, it is believed that claim 1, and claims 2-6, 8, and 19 which depend cognately therefrom, are allowable over the relied upon art.

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

Several of the dependent claims recite limitations that further delineate over the relied upon art. For instance, claim 6 calls for the follower to rupture the frangible portion of the guide cover as the follower rides along the guide. Kalandek, et al. do not disclose or suggest that the anchor in the form of triangular material piece 54 breaks through any trim panels covering the guide rod 52 as it rides down the rod. This is in direct contrast to claim 6 which requires that the follower be operable to rupture the frangible portion of the guide cover as it rides along the guide. Added claim 19 calls for the guide to include a guide rod and the cover to have a base section that is adapted for being engaged against a vehicle, a cover section, and a through opening formed by the base section on the cover section in which the guide rod extends. None of the cited art disclose or suggest the details of the cover for the guide rod recited in claim 19. Accordingly, for these additional reasons dependent claims 6 and 19 are believed to be allowable over the relied upon art.

Claim 9 is directed to an externally developed airbag device and calls for an airbag that includes portions deployed along each pillar and a casing in which the airbag is stowed prior to deployment. Elongated guide members extend along the respective vehicle pillars and followers of the airbag portions ride along the respective guide members as the airbag is inflated. As amended, claim 9 calls for elongated covers separate from the airbag casing each configured to form a space in which the respective elongate guide members extend. Each cover includes a separable portion that are opened upon deployment of the airbag portion. None of the cited art either alone or in combination discloses or suggests the elongate covers separate from the airbag casing and a separable portion of each cover, as recited in amended claim 9.

As discussed with respect to claim 1, Miodek teaches very little with respect to covers for guide members, and certainly does not disclose or suggest the

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

recited covers having separable portions that are opened upon deployment of the airbag portions, as required by amended claim 9. Kalandek, et al. also fail in this regard, as they only disclose that the airbag breaks through a protective housing upon airbag inflation and that the airbag and guides 70 are hidden from view by automotive trim panels. While Kalandek, et al. teach that the airbag breaks its protective housing upon inflation, amended claim 9 requires that the airbag have a casing, the covers for the guide members are separate from the airbag casing, and it is these guide member covers that have separable portions that are opened by deployment of the airbag portion. Accordingly, it is believed that claim 9, and claims 12, 15, 16 and 18, which depend cognately therefrom, are allowable over the relied upon art.

Several of the dependent claims recite limitations which further delineate over the cited art. For instance, claim 12 calls for the separable portions of the covers to each include a longitudinally extending tear line with the respect followers rupturing the guide cover tear lines as the followers ride along the associated guide members. Kalandek, et al. do not disclose or suggest that the triangular material piece 54 is operable to rupture a frangible portion of a cover for the rod 72. There is no teaching by Kalandek, et al. that the material piece 54 is operable to rupture a frangible portion of either the protective housing for the airbag or the trim panels that hide the guide. Claim 15 is amended to require the covers to each include a base section that is configured to be secured to the vehicle to span a joint line formed between the pillars and windshield, and a cover section cooperating with the base section to form the space for the guide members. None of the cited art discloses or suggests the details of the covers recited in amended claim 15. Claim 18 calls for the airbag casing to include openings adjacent the rods with the straps extending through the openings prior to airbag deployment. None of the cited art discloses or suggests openings in airbag casings through which straps

Application No. 10/800,229
Amendment dated July 18, 2006
Reply to Office Action of April 20, 2006

extend with the openings being adjacent to guide rods, as required in added claim 18. Accordingly, for these additional reasons dependent claims 12, 15 and 18 are believed to be allowable over the relied upon art.

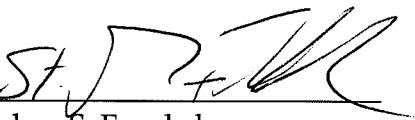
Based on the foregoing, reconsideration and allowance of claims 1-4, 6, 8-10, 12, and 15-17, and consideration and allowance of claims 18 and 19, are respectfully requested.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: July 18, 2006

By


Stephen S. Favakeh
Registration No. 36,798

120 South LaSalle Street
Suite 1600
Chicago, Illinois 60603-3406
Telephone 312.577.7000
Facsimile 312.577.7007